

ORDINANCE NO. 03-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 8, ARTICLE VI, "CODES AND OTHER REGULATIONS," DIVISION 1, "GENERALLY," ADDING SECTION 8-471, "PENALTIES FOR VIOLATION;" DIVISION 2, "BUILDING CODE," SECTION 8-481, "ADOPTED," SECTION 8-482 "AMENDMENTS," SECTION 8-483, "PENALTIES FOR VIOLATION;" DIVISION 3, "ELECTRICAL CODE" SECTION 8-496, "ADOPTED"; DIVISION 4, "PLUMBING CODE" SECTION 8-511 "ADOPTED;" DIVISION 5, "MECHANICAL CODE" SECTION 8-526, "ADOPTED;" DIVISION 7, "RESIDENTIAL CODE" SECTION 8-581, "ADOPTED;" DIVISION 8, "FUEL GAS CODE," SECTION 8-601, "ADOPTED;" DIVISION 9, "ENERGY CODE," SECTION 8-603, "ADOPTED;" DIVISION 10, "EXISTING BUILDING CODE" SECTION 8-612, "ADOPTED," SECTION 8-613, "PENALTIES FOR VIOLATION;" ADDING DIVISION 11, "PROPERTY MAINTENANCE CODE," SECTION 8-616, "ADOPTED;" ADDING DIVISION 12, "SWIMMING POOL AND SPA CODE," SECTION 8-620, "ADOPTED;" AND DELETING IN ITS ENTIRETY CHAPTER 29.5, "SWIMMING POOLS AND SPAS;" AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, there is a need to protect the health, safety, and welfare of the citizens of the City of Abilene; and

WHEREAS, the current provisions of the Building Code, Electrical Code, Plumbing Code, Mechanical Code, Residential Code, Fuel Gas Code, Energy Code, and the Existing Building Code, adopting the 2012 International Codes and 2014 National Electrical Code, are no longer adequate to meet the needs of the community; and

WHEREAS, the 2021 International Codes and 2020 National Electrical Code are currently the standard used throughout other cities in Texas; and

WHEREAS, Section 8-482 governing temporary amusement buildings is no longer needed because the requirements for fire sprinklers in temporary amusement buildings are governed by the adopted International Fire Code; and

WHEREAS, Sections 8-483, 8-613 set forth criminal penalties for violations of the Building Code and Existing Building Code, respectively, but it is more expeditious to have one section establish criminal penalties for any violation of Article VI, and delete the text of 8-843 and 8-613; and

WHEREAS, it is in the best interest of the citizens of the City of Abilene to adopt the International Property Maintenance Code; and

WHEREAS, Chapter 29.5, Swimming Pools and Spas, is no longer needed because the adoption of the International Swimming Pool and Spa Code will regulate both public, private and residential facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

- PART 1:** That Chapter 8, Article VI, Division 1 “Generally,” Division 2, “Building Code” Section 8-481, “Amendments” 8-482; Division 3, “Electrical Code” Section 8-496; “Plumbing Code” Section 8-511, “Mechanical Code” Section 8-526, “Residential Code” Section 8-581, “Fuel Gas Code” Section 8-601, “Energy Code” Section 8-603, and “Existing Building Code” Section 8-612 of the Code of Ordinances, City of Abilene, Texas, are hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes.
- PART 2:** That Chapter 8, Article VI, Division 11, “Property Maintenance Code” Section 8-616 is hereby added as set out in Exhibit B, attached and made part of this ordinance for all purposes.
- PART 3:** That Chapter 29.5, “Swimming Pools and Spas” be deleted in its entirety, and Chapter 8, Article VI, Division 12, “Swimming Pool and Spa Code” Section 8-620 is hereby added as set out in Exhibit C, attached and made part of this ordinance for all purposes
- PART 4:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.
- PART 5:** That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.
- PART 6:** Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 15th day of December, 2022.

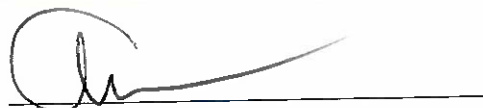
A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 11th day of January, 2023, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 12th day January, 2023, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 12th day of January, 2023.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY



EXHIBIT A

CHAPTER 8. CONSTRUCTION REGULATIONS

ARTICLE VI. CODES AND OTHER REGULATIONS

DIVISION 1. GENERALLY

Sec. 8-471 Penalties for violation.

Any person violating the provisions of this article, or any amendment thereto, shall be punished as provided by section 1-9 of this Code.

DIVISION 2. BUILDING CODE

Sec. 8-481. Adopted.

The International Building Code, ~~2012~~ 2021 edition, published by the International Code Council, Inc., together with a building code pamphlet amending and supplementing that code, are hereby enacted and adopted by reference, as the building code for the City, and is hereby incorporated herein. The building code pamphlet, along with the International Building Code, are on file in the Building Official's and City Secretary's offices.

Sec. 8-482. - ~~Amendments.~~ Reserved.

~~The building code adopted by the provisions of this division has been amended by the City in the following aspects:~~

~~411.9 Temporary Amusement Buildings. Temporary Amusement Buildings are not required to be fire sprinklered if the area does not exceed 5,000 square feet and the maximum travel distance from any point in the area does not exceed 75 feet to a lighted exit way and does not exceed 150 feet to an exterior exit. The areas are required to meet the exit width and door requirements in Chapter 10 of this Code, and the alarm requirements in Amusement Buildings in Section 907.2.1 of the 2000 International Fire Code.~~

Sec. 8-483. - ~~Penalties for violation.~~ Reserved.

~~Any person violating the provisions of the building code adopted by the provisions of this article, or any amendment thereto, shall be punished as provided by section 1-9 of this Code.~~

DIVISION 3. ELECTRICAL CODE

Sec. 8-496. Adopted.

The National Electrical Code, ~~2014~~ 2020 edition, published by the National Fire Protection Association together with standards of the National Electrical Manufacturers Association and the American National Standards Institute, together with an electrical code pamphlet amending and supplementing that code, are hereby enacted and adopted by reference, as the electrical code for the city, and is hereby incorporated herein. The electrical code pamphlet, along with the National Electrical Code, are on file in the building official's and city secretary's offices.

DIVISION 4. PLUMBING CODE

Sec. 8-511. - Adopted.

The International Plumbing Code, ~~2012~~ 2021 edition, published by the International Code Council, Inc., together with a plumbing code pamphlet amending and supplementing that code, are hereby enacted and adopted by reference, as the plumbing code for the City, and is hereby incorporated herein. The plumbing code pamphlet, along with the International Plumbing Code, are on file in the Building Official's and City Secretary's offices.

DIVISION 5. MECHANICAL CODE

Sec. 8-526. - Adopted.

The International Mechanical Code, ~~2012~~ 2021 edition, published by the International Code Council, Inc., together with a mechanical code pamphlet amending and supplementing that code, are hereby enacted and adopted by reference, as the mechanical code for the City, and is hereby incorporated herein. The mechanical code pamphlet, along with the International Mechanical Code, are on file in the Building Official's and City Secretary's offices.

DIVISION 7. RESIDENTIAL CODE

Sec. 8-581. - Adopted.

The International Residential Code, ~~2012-2021~~ edition, published by the International Code Council, Inc., together with a residential code pamphlet amending and supplementing that code, are hereby enacted and adopted by reference, as the residential code for the City, and is hereby incorporated herein. The residential code pamphlet, along with the International Residential Code, are on file in the Building Official's and City Secretary's offices.

DIVISION 8. FUEL GAS CODE

Sec. 8-601. - Adopted.

The International Fuel Gas Code, ~~2012~~ 2021 edition, published by the International Code Council, Inc., together with a fuel gas code pamphlet amending and supplementing that code, are hereby enacted and adopted by reference, as the fuel gas code for the City, and is hereby incorporated herein. The fuel gas code pamphlet, along with the International Fuel Gas Code, are on file in the Building Official's and City Secretary's offices.

DIVISION 9. ENERGY CODE

Sec. 8-603. - Adopted.

The International Energy Conservation Code, ~~2012~~ 2021 Edition, published by the International Code Council, Inc., together with an energy conservation code pamphlet amending and supplementing that code, are hereby enacted and adopted by reference, as the energy conservation code for the City of Abilene, and is hereby incorporated herein. The energy conservation code pamphlet, along with the International Energy Conservation Code, are on file in the Building Official's and City Secretary's offices.

DIVISION 10. EXISTING BUILDING CODE

Sec. 8-612. - Adopted.

The International Existing Building Code, ~~2012~~ 2021 edition, published by the International Code Council, Inc., together with an existing building code pamphlet amending and supplementing that code, are hereby enacted and adopted by reference, as the existing building code for the City, and is hereby incorporated herein. The existing building code pamphlet, along with the International Existing Building Code, are on file in the Building Official's and City Secretary's offices.

Sec. 8-613. - ~~Penalties for violation.~~ Reserved.

~~Any person violating the provisions of the existing building code adopted by the provisions of this article, or any amendment thereto, shall be punished as provided by section 1-9 of this Code.~~

EXHIBIT B

CHAPTER 8. CONSTRUCTION REGULATIONS

ARTICLE VI. CODES AND OTHER REGULATIONS

{add the following}

DIVISION 11. PROPERTY MAINTENANCE CODE

Sec. 8-616. - Adopted.

The International Property Maintenance Code, 2021 edition, published by the International Code Council, Inc., together with a property maintenance code pamphlet amending and supplementing that code, are hereby enacted and adopted by reference, as the property maintenance code for the City, and is hereby incorporated herein. The property maintenance code pamphlet, along with the International Property Maintenance Code, are on file in the Building Official's and City Secretary's offices.

EXHIBIT C

{delete in its entirety}

CHAPTER 29.5 SWIMMING POOLS AND SPAS

{add the following}

CHAPTER 8. CONSTRUCTION REGULATIONS

ARTICLE VI. CODES AND OTHER REGULATIONS

DIVISION 12. SWIMMING POOL AND SPA CODE

Sec. 8-620. - Adopted.

The International Swimming Pool and Spa Code, 2021 edition, published by the International Code Council, Inc., together with a swimming pool and spa code pamphlet amending and supplementing that code, are hereby enacted and adopted by reference, as the swimming pool and spa code for the City, and is hereby incorporated herein. The swimming pool and spa code pamphlet, along with the International Swimming Pool and Spa Code, are on file in the Building Official's and City Secretary's offices.